

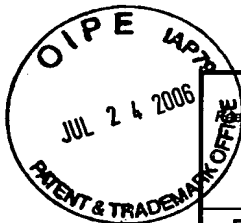
PTO/SB/21 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/385,597-Conf. #9401
		Filing Date	August 30, 1999
		First Named Inventor	James A. Parker
		Art Unit	2876
		Examiner Name	Uyen Chau N Le
Total Number of Pages in This Submission	56	Attorney Docket Number	283_205 CIP

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): One check for \$130 (Petition Fee), Petition Requesting Withdrawal of Recorded Terminal Disclaimer Under 37 CFR 1.182 (6 pgs.), Exhibit A (42 pgs.), Exhibit B (4 pgs.), Certificate of Express Mail and Return Mail Room Receipt
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	WALL MARJAMA & BILINSKI LLP		
Signature			
Printed name	George S. Blasiak		
Date	July 24, 2006	Reg. No.	37,283

Transmittal	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV511846254US, on the date shown below in an envelope addressed to: MS Office of Patent Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Dated: July 24, 2006	Signature:  (Barbara A. Saltzman)



7-26-06

EW DAE

Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<b>Effective on 12/08/2004.</b> <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/385,597-Conf. #9401
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 130.00		Filing Date	August 30, 1999
		First Named Inventor	James A. Parker
		Examiner Name	Uyen Chau N Le
		Art Unit	2876
		Attorney Docket No.	283_205 CIP

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify):	
<input type="checkbox"/> Deposit Account	Deposit Account Number: 50-0289
Deposit Account Name: Wall Marjama & Bilinski LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
		<u>Small Entity</u>		<u>Small Entity</u>		<u>Small Entity</u>	
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
						<u>Small Entity</u>	
<b>Fee Description</b>						<b>Fee (\$)</b>	<b>Fee (\$)</b>
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
<u>Total Claims</u>		<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>		
- 20 =		x	=		<u>Fee (\$)</u>		<u>Fee Paid (\$)</u>
<u>Indep. Claims</u>		<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>			
- 3 =		x	=				
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<u>Total Sheets</u>		<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>		<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	
- 100 =		/50	(round up to a whole number) x		=		
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)						<b>Fees Paid (\$)</b>	
Other (e.g., late filing surcharge): \$130 Petition Fee						130.00	
<b>SUBMITTED BY</b>							
Signature				Registration No. (Attorney/Agent)	37,283	Telephone	(315) 425-9000
Name (Print/Type)	George S. Blasiak			Date	July 24, 2006		

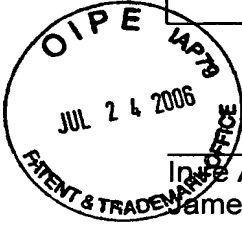
<b>Fee Transmittal</b>	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV511846254US, on the date shown below in an envelope addressed to: MS Office of Patent Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Dated: July 24, 2006	Signature:  (Barbara A. Saltzman)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV511846254US, on the date shown below in an envelope addressed to: MS Office of Patent Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Dated: July 24, 2006

Signature:

*Barbara A. Saltsman*  
(Barbara A. Saltsman)

Docket No.: 283\_205 CIP  
(PATENT)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
James A. Parker et al.

Application No.: 09/385,597

Confirmation No.: 9401

Filed: August 30, 1999

Art Unit: 2876

For: Optical Reader System Comprising Local  
Host Processor And Optical Reader

Examiner: Uyen Chau N Le

**PETITION REQUESTING WITHDRAWAL OF RECORDED  
TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.182**

**Office of Patent Petitions**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INTRODUCTORY COMMENTS**

Please see **Remarks** which begin on page 2 of this paper.

07/27/2006 WABDELRI 00000053 500289 09385597  
01 FC:1462 270.00 DA 130.00 DP

## **REMARKS**

Original claims 1 and 9 in the above application were subjected to an obviousness type double patenting rejection in an Office Action dated September 7, 2001 over U. S. Patent No. 5,900,613 to Koziol ("Koziol") (Attached as Exhibit A).

Original claims 1 and 9 recited as follows:

1. (Original) An optical reader comprising:  
an imaging assembly;  
a processor in communication with said imaging assembly; and  
a memory in communication with said processor having an operating program stored thereon for controlling operation of said optical reader, said optical reader being adapted to receive a component control instruction from a remote processor, and further being adapted to execute said component control instruction substantially on receipt of said component control instruction from said remote processor.
9. (Original) An optical reader system comprising:  
a portable optical reader having an imaging assembly, a reader processor in communication with said imaging assembly, and a reader memory in communication with said reader processor, said optical reader being adapted to receive a component control instruction from a remote processor; and  
a remote processor, adapted to transmit a component control instruction in response to a user input command to control said optical reader;  
said optical reader being programmed so that said reader processor executes said component control instruction substantially on receipt of said component control instruction from said remote processor.

With a response dated February 26, 2002, applicants filed a terminal disclaimer (Exhibit B) to remove the double patenting rejection.

However, as prosecution proceeded, claims 1 and 9 were cancelled and new claims were filed. The currently pending independent claims of the application are as follows:

71. (Previously Presented) A system comprising:
  - (a) an optical reader including an imaging assembly, a display, a keyboard, an acoustic output device and a controller configured to capture image data and decode decodable bar code symbols therein, said optical reader further including a hand held housing encapsulating said imaging assembly and said controller, said hand held housing further supporting said display and said keyboard; and
  - (b) a host processor having an associated display spaced apart from said optical reader, wherein said hand held housing is adapted to be held in a human hand so that said optical reader is moveable between a variety of orientations and distances with respect to said host processor;
  - (c) wherein said system is configured so that in a first mode said host processor sends to said optical reader a beeper control instruction, wherein said optical reader substantially on receipt of said beeper control instruction actuates said acoustic output device so that said acoustic output device emits a series of beeps without actuating said display;
  - (d) wherein said system is further configured so that in a second mode said host processor sends to said optical reader a display control instruction, wherein said optical reader substantially on receipt of said display control instruction causes a predetermined indicia to be displayed on said display without actuating said acoustic output device.

predetermined indicia to be displayed on said display without actuating said acoustic output device.

76. (Previously Presented) A method for attracting attention of an operator of a hand held optical reader, said hand held optical reader having an artificial light source directing light toward a target, an acoustic output device, a wireless communication link, a display, and being configured to decode decodable bar code symbols represented in captured images, said method comprising the steps of:

(a) programming said hand held optical reader to wirelessly receive at least one component control instruction from a spaced apart host processor, said component control instruction being selected from the group consisting of a light source flashing component control instruction which when executed by said hand held optical reader results in said artificial light source directing light toward a target of said optical reader without a frame of image data being captured, an acoustic output device component control instruction which when executed by said hand held optical reader causes said acoustic output device to emit a series of beeps without actuation of said display, and a display output component control instruction which when executed by said hand held optical reader results in a predetermined indicia being displayed on said display without actuation of said acoustic output device, wherein said programming step includes the step of configuring said hand held optical reader to execute said at least one component control instruction to produce a user-perceivable result substantially on receipt of said component control instruction and wherein said hand held optical reader is disposed in a common local facility with a spaced apart host processor having an associated display; and

(b) wirelessly sending from said spaced apart host processor to said hand held optical reader at least one of said light source flashing component control instruction, said acoustic output device component control instruction, and said display output component control instruction, whereby a user-perceivable result is produced by said hand held optical reader substantially on receipt of said at least one component control instruction so that attention of an operator of said hand held optical reader is attracted.

98. (Previously Presented) A system comprising:

(a) an optical reader including an imaging assembly, a display, a keyboard, a wireless communication link, a light source, an acoustic output device and a controller configured to capture image data and decode decodable bar code symbols therein, said optical reader further including a hand held housing encapsulating said imaging assembly and said controller, said hand held housing further supporting said display and said keyboard; and

(b) a host processor spaced apart from said optical reader, wherein said hand held housing is adapted to be held in a human hand so that said optical reader is moveable between a variety of orientations and distances with respect to said host processor;

(c) wherein said system is configured so that in a first mode said host processor wirelessly sends to said optical reader a beeper control instruction, wherein said optical reader substantially on receipt of said beeper control instruction actuates said acoustic output device so that said acoustic output device emits a series of beeps;

(d) wherein said system is further configured so that in a second mode said host processor sends to said optical reader a display control instruction, wherein said optical reader substantially on receipt of said display control instruction causes indicia to be displayed on said display; and

(e) wherein said system is configured so that said host processor in a further mode sends to said optical reader a light source control instruction, said optical reader substantially on receipt of said light source instruction causes said light source to direct light toward a target of said optical reader without causing actuation of said imaging assembly.

104. (Previously Presented) A system comprising:

(a) an optical reader including an imaging assembly, a display, a keyboard, an acoustic output device and a controller configured to capture image data and decode decodable bar code symbols therein, said optical reader further including a hand held housing encapsulating said imaging assembly and said controller, said hand held housing further supporting said display and said keyboard; and

(b) a host processor having an associated display spaced apart from said optical reader and being disposed at a common local facility with said optical reader, wherein said hand held housing is adapted to be held in a human hand so that said optical

reader is moveable between a variety of orientations and distances with respect to said host processor;

(c) wherein said system is configured so that in a first mode said host processor sends to said optical reader a beeper control instruction that is initiated by a user by presenting at a location spaced apart from said optical reader a command to control said optical reader, wherein said optical reader substantially on receipt of said beeper control instruction actuates said acoustic output device so that said acoustic output device emits a series of beeps without actuating said display;

(d) wherein said system is further configured so that in a second mode said host processor sends to said optical reader a display control instruction, wherein said optical reader substantially on receipt of said display control instruction causes indicia to be displayed on said display without actuating said acoustic output device.

112. (New) A system comprising:

(a) an optical reader including an imaging assembly, a display, a keyboard, an acoustic output device and a controller configured to capture image data and decode decodable indicia therein, said optical reader further including a hand held housing encapsulating said imaging assembly and said controller, said hand held housing further supporting said display and said keyboard; and

(b) a host processor having an associated display spaced apart from said optical reader, wherein said hand held housing is adapted to be held in a human hand so that said optical reader is moveable between a variety of orientations and distances with respect to said host processor;

(c) wherein said system is configured so that said host processor can send to said optical reader a beeper control instruction, wherein said optical reader substantially on receipt of said beeper control instruction actuates said acoustic output device so that said acoustic output device emits a series of beeps without actuating said display;

(d) wherein said system is further configured so that said host processor can send to said optical reader a display control instruction, wherein said optical reader substantially on receipt of said display control instruction causes a predetermined indicia to be displayed on said display without actuating said acoustic output device.

117. (New) A system comprising:

(a) an optical reader including an imaging assembly, a display, a keyboard, a wireless communication link, a light source, an acoustic output device and a controller configured to capture image data and decode decodable indicia therein, said optical reader further including a hand held housing encapsulating said imaging assembly and said controller, said hand held housing further supporting said display and said keyboard; and

(b) a host processor spaced apart from said optical reader, wherein said hand held housing is adapted to be held in a human hand so that said optical reader is moveable between a variety of orientations and distances with respect to said host processor;

(c) wherein said system is configured so that said host processor can wirelessly send to said optical reader a beeper control instruction, wherein said optical reader substantially on receipt of said beeper control instruction actuates said acoustic output device so that said acoustic output device emits a series of beeps;

(d) wherein said system is further configured so that said host processor can send to said optical reader a display control instruction, wherein said optical reader substantially on receipt of said display control instruction causes indicia to be displayed on said display; and

(e) wherein said system is further configured so that said host processor can send to said optical reader a light source control instruction, said optical reader substantially on receipt of said light source instruction causes said light source to direct light toward a target of said optical reader without causing actuation of said imaging assembly.

125. (New) A system comprising:

(a) an optical reader including an imaging assembly, a display, a keyboard, an acoustic output device and a controller configured to capture image data and decode decodable indicia therein, said optical reader further including a hand held housing encapsulating said imaging assembly and said controller, said hand held housing further supporting said display and said keyboard; and

(b) a host processor having an associated display spaced apart from said optical reader and being disposed at a common local facility with said optical reader, wherein said hand held housing is adapted to be held in a human hand so that said optical reader is moveable between a variety of orientations and distances with respect to said host processor;

(c) wherein said system is configured so that said host processor can send to said optical reader a beeper control instruction that is initiated by a user of said host processor, wherein said optical reader substantially on receipt of said beeper control instruction actuates said acoustic output device so that said acoustic output device emits a series of beeps without actuating said display;

(d) wherein said system is further configured so that said host processor can send to said optical reader a display control instruction, wherein said optical reader substantially on receipt of said display control instruction causes indicia to be displayed on said display without actuating said acoustic output device.

It is said that "petitions seeking to reopen the question of the propriety of a double patenting rejection have not been favorably considered." *MPEP §1490*. However, the present petition does not attempt to reopen a question of whether a double patenting rejection was proper. The question of whether the double patenting rejection of claims 1 and 9 was proper is not at issue in the present petition since claims 1 and 9 have been cancelled. The present petition merely notes that the only claims subject to a double patenting rejection over Koziol have been cancelled and that no claim currently pending has been subject to a double patenting rejection over Koziol. Accordingly, the terminal disclaimer filed to overcome the rejection over Koziol should be withdrawn.


In that the claims subject to a double patenting rejection have been cancelled and are no longer pending in the application, applicants' respectfully petition for withdrawal of the terminal disclaimer filed on February 26, 2002.

If the Examiner believes that contact with applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call applicants' representative at the phone number listed below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

Dated: July 24, 2006

Respectfully submitted,

By 

George S. Blasiak

Registration No.: 37,283

WALL MARJAMA & BILINSKI LLP

101 South Salina Street

Suite 400

Syracuse, New York 13202

(315) 425-9000

Customer No. 20874





Practitioner's Docket No.: 283-205 CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Parker, et al.

Ser. No.: 09/385,597

Group Art Unit: 2876

Filed: August 30, 1999

Examiner: U. Le

For: OPTICAL READER SYSTEM COMPRISING LOCAL HOST PROCESSOR AND  
OPTICAL READER

Assistant Commissioner for Patents  
Washington, DC 20231



#12

I hereby certify that this correspondence is being deposited with  
the United States Postal Service as first class mail addressed to  
Assistant Commissioner for Patents, Washington D.C. 20231  
on February 7, 2002.

*Tammy S. Senecal*  
Tammy S. Senecal

RECEIVED  
PATENT  
FEB 14 2002  
TECHNOLOGY CENTER 2800

TERMINAL DISCLAIMER  
APPROVED

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER PRIOR PATENTS

MAY - 9 2002

TECHNOLOGY CENTER 2800  
SPECIAL PROGRAM CENTER

Sir:

Your petitioner, Welch Allyn Data Collection, Inc., residing at 4619 Jordan Road  
Skaneateles Falls, NY 13153, represents that it is the owner of the entire right, title and  
interest in U.S. Patent Application Ser. No. 09/385,597. Your petitioner hereby disclaims the  
terminal part of any patent granted on the above-identified application, which would extend  
beyond the expiration date of U.S. Patent 5,900,613 and hereby agrees that any patent so  
granted on the above-identified application shall be enforceable only for and during such  
period that the legal title to said patent shall be the same as the legal title to U.S. Patent  
5,900,613, this agreement to run with any patent granted on the above-identified application  
and to be binding upon the grantees, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any  
patent granted on the above-identified application that would extend to the expiration date of  
the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as

presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the petitioner identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the petitioner.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**FEE STATUS**  
(37 C.F.R. § 1.20(d))

<input checked="" type="checkbox"/>	Other than a small entity	\$110.00
<input type="checkbox"/>	Small entity	\$ 55.00
<input type="checkbox"/>	A statement is attached.	
<input type="checkbox"/>	A statement was already filed on .	

**FEE PAYMENT**

- ☒ Attached is a check in the sum of \$110.00.  
☒ Charge Account 50-0289 for any fee deficiency.  
☐ Charge Deposit Account 50-0289 the sum of \_\_\_\_\_ and for any fee deficiency that may be due. A duplicate of this disclaimer is attached.

Respectfully submitted,

February 7, 2002  
Date

George S Blasiak  
George S. Blasiak  
Reg. No. 37,283

GSB/ts

WALL MARJAMA & BILINSKI LLP

Customer No.:



20874

PATENT TRADEMARK OFFICE

Telephone: (315) 425-9000

Facsimile: (315) 425-9114

**TERMINAL DISCLAIMER  
APPROVED**

**MAY - 9 2002**

**TECHNOLOGY CENTER 2800  
SPECIAL PROGRAM CENTER**

Deborah Perry VEGA  
Deborah Perry VEGA  
Paralegal Specialist  
Technology Center 2800